

**EDUCATION AND WORKFORCE DEVELOPMENT CABINET**  
**Department for Libraries and Archives**  
**Archives and Records Management Division**  
**(Amendment)**

**725 KAR 1:040. Collection and distribution of reports and publications.**

RELATES TO: KRS 171.500

STATUTORY AUTHORITY: KRS 171.450

NECESSITY, FUNCTION, AND CONFORMITY: KRS 171.450 requires the department to establish procedures for collection and distribution by the central depository of all reports and publications issued by any department, board, commission, officer or other agency of the commonwealth for general public distribution. This administrative regulation establishes collection and distribution procedures for reports and publications.

Section 1. Definitions. (1) "Department" is defined in KRS 171.410(2).

(2) "Division" is Archives and Records Management Division~~[Public Records Division]~~ in the Department for Libraries and Archives.[]

~~(3) "Nonstate publication" means a brochure, public agency press release, internal procedure manual, internal newsletter, inter- and intraoffice correspondence and memorandum, and material designated by law as confidential.~~

~~(4) "Publication number" means a unique identifier assigned to state publications in the department's collection.~~

~~(3)[]~~ (5) "Records officer" is the public agency employee who represents that~~[his]~~ unit of government in its relations with the division, as defined in 725 KAR 1:010.

~~(4)[]~~ (6) "State publication" means a publication in any format that is produced by the authority of, or at the total or partial expense of, a state agency, and is required to be distributed under law by the agency, is publicly distributed outside the agency,~~[-or]~~ is displayed on a public agency website,~~[Web site]~~ or is made available electronically by any other means.

Section 2. (1) The records officer of each agency or department of state government shall be responsible for depositing with the Department for Libraries and Archives, Archives and Records Management Division~~[Public Records Division]~~, three (3) copies of each report and publication issued on paper by that agency for general public distribution or one (1) electronic copy. Publications shall be forwarded to the division on the date of issue.

(2) The records officer of each agency shall be responsible for depositing with the division one (1) copy of each state publication held in electronic format or issued for general public distribution on the agency's Web site. Publications shall be forwarded to the division on the date of issue. Agencies shall forward electronic publications to the division in Adobe Portable Document Format (PDF)~~[-as attachments to an email message, or as documents on a disc]~~. Agencies shall follow the guidelines contained in Kentucky Information Technology Standards (KITS)~~["Enterprise Standards: 2000 Software Domain Category: 2330 Electronic Documents: NonAlterable."]~~

Section 3. (1) Each agency shall notify the division in writing of the name of its records officer, as the agency employee who represents that~~[his]~~ unit of government in its relations with the division, within thirty (30) days after the effective date of this administrative regulation and upon any change of that personnel thereafter. The records officer shall furnish the division in

writing with a complete list of the agency's current state publications in all formats, annually, at the end of each fiscal year, and upon request.

(2) If a records officer is unsure whether particular published material constitutes a state publication, the records officer may consult the Archives and Records Management Division~~[division's coordinator of state publications]~~.

Section 4. (1) Once submitted, state publications in all formats shall be reviewed for addition to the State Publications Collection at the department. Nonstate publications or paper copies in excess of the required three (3) shall be discarded.

(2) Once added to the State Publications Collection, publications shall be ~~[assigned a publication number and]~~ listed on the department's Web site for general public access.

~~Section 5. Incorporation by Reference. (1) "Enterprise Standards: 2000 Software Domain Category: 2330 Electronic Documents: Non Alterable" is incorporated by reference.~~

~~(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Libraries and Archives, 300 Coffee Tree Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.]~~

TERRY MANUEL, Commissioner

APPROVED BY AGENCY: July 2, 2021

FILED WITH LRC: July 6, 2021 at 11:30 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 21, 2021, at 10:00 a.m. Eastern Time at the Kentucky Department for Libraries and Archives, 300 Coffee Tree Road, Frankfort, Kentucky 40601, Commission Room. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Terry Manuel, Commissioner, Kentucky Department for Libraries and Archives, 300 Coffee Tree Road, Frankfort, Kentucky 40601. phone 502-564-8303. fax 502-564-5773. email Terry.Manuel@ky.gov.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Terry Manuel

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes procedures for the transfer of reports and publications from agencies to the Department for Libraries and Archives.

(b) The necessity of this administrative regulation: KRS 171.450 requires the department to establish procedures for collection and distribution by the central depository of all reports and publications issued by any department, board, commission, officer or other agency of the commonwealth for general public distribution.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 171.450 requires the department to establish procedures for collection and distribution by the central depository of all reports and publications issued by any department, board, commission, officer or other agency of the commonwealth for general public distribution. This administrative regulation establishes collection and distribution procedures for reports and publications.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation facilitates the transfer of reports and publications from agencies to the Department for Libraries and Archives as required in KRS 171.500.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment updates the name of the division and brings requirements into line with current practice.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to ensure the regulation is current and up-to-date.

(c) How the amendment conforms to the content of the authorizing statutes: The statute requires that reports and publications be transferred, and that the Department for Libraries and Archives promulgate regulations establishing transfer procedures.

(d) How the amendment will assist in the effective administration of the statutes: The amendment of this regulation will ensure that agencies have the most complete information in carrying out their records management programs.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All state and local government agencies must follow this regulation, as all have a responsibility to transfer reports and publications to the Department for Libraries and Archives.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: There will be no new responsibilities added to those already existing for public agencies under this regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no new costs added to those already existing for public agencies under this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Agencies who comply with this regulation will comply with the law and will document agency history more effectively.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no costs for agencies to implement this regulation. This regulation

(b) On a continuing basis: Same as (5)(a) above.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The activities involved in this regulation are already undertaken by public agencies.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No required increase is projected.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This regulation does not establish or increase, directly or indirectly, any fees.

(9) TIERING: Is tiering applied? Tiering is not applied because this regulation applies uniformly to all public agencies.

#### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? All state and local government entities are required to transfer reports and publications to the Department for Libraries and Archives.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 171.450 requires the department to establish procedures for collection and distribution by the central depository of all reports and publications issued by any department, board, commission, officer or other agency of the commonwealth for general public distribution.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. There will be no net effect on agencies' expenditures and revenues. Continued good records management results in cost savings for government and a more efficient operation of government.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? There will be no additional revenues generated for the first year because of this regulation.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? There will be no additional revenues generated for subsequent years because of this regulation.

(c) How much will it cost to administer this program for the first year? There will be no additional costs generated for the first year because of this regulation.

(d) How much will it cost to administer this program for subsequent years? There will be no additional costs generated for subsequent years because of this regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): \$0.00

Expenditures (+/-): \$0.00

Other Explanation: N/A